

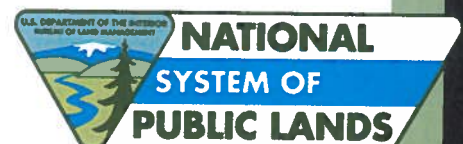
FINAL ENVIRONMENTAL ASSESSMENT

**Garfield Flat
and
Marietta Herd Management
Area Gather Plan**

Finding of No Significant Impact

DOI-BLM-NV-C010-2011-0529-EA

December 2011



BACKGROUND

The Proposed Action Alternative evaluated under Environmental Assessment (EA) DOI-BLM-NV-C010-2011-0529 (pages 8-10) is to gather approximately 209 wild horses, 66 wild burros, removing approximately 157 excess wild horses, 66 excess wild burros, and releasing 52 – 60 (depending on capture efficiency) wild horses back into the Garfield HMA after treating/retreating an estimated 26-33 mares with the fertility control vaccine (PZP-22) and adjusting the sex ratio to favor males. The estimated 157 excess wild horses to be removed include 85 excess wild horses established on lands within the Marietta Wild Burro Range. The use of the PZP-22 should aid in maintaining the AML range by reducing the population growth rate thereby reducing the number of excess wild horses that would need to be removed in the future. Should the gather efficiency exceed 80% of the current wild horse populations, additional mares (up to 33) would be treated and released back to the Garfield Flat HMA. The BLM intends to continue with this treatment protocol over the next 10 years by returning to the Garfield Flat HMA every 2-3 years to continue the population growth control protocols of treating and/or re-treating the mares with fertility control and maintain AML using limited removals. If gather efficiencies utilizing a helicopter does not achieve the desired goals of the Proposed Action, water/bait trapping may be utilized to capture sufficient numbers of horses to achieve these targets. A population inventory was completed for the Garfield Flat HMA in June 2011, 155 horses (145 adults/10 foals) were counted based on a direct count aerial survey.

A population inventory of burros in the Marietta Burro Range was completed in June 2011, when 144 burros were counted and 85 excess wild horses. There are 66 excess wild burros within the Marietta Burro Range. The 85 excess wild horses originated from the Garfield Flat HMA and have established home ranges within the Marietta Wild Burro Range and are consuming forage that is allocated for wild burros. All wild horses or burros identified as excess including any weaned foals, yearlings or orphaned foals and any wild horses residing outside the HMA boundaries would be removed and made available for adoption to qualified individuals. Hair samples may be collected on about 25-100 animals to assess the genetic diversity of the herds. Old, sick or lame horses unable to maintain an acceptable body condition greater than or equal to a Henneke Body Condition Score (BCS) of 3 or with serious physical defects such as club feet, severe limb deformities, or sway back would be humanely euthanized as an act of mercy. Decisions to humanely euthanize animals in field situations will be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041).

FINDING OF NO SIGNIFICANT IMPACT

Based upon the analysis in the Garfield Flat and Marietta Herd Management Area Gather Plan DOI-BLM-NV-C010-2011-0529-EA and its associated administrative record, it is my determination that the implementation of the Proposed Action Alternative will not have significant environmental impacts beyond those already addressed in the DOI-BLM-NV-C010-2011-0529-EA and that the Proposed Action Alternative is in conformance with the Carson City Field Office Consolidated Resources Management Plan (CRMP) adopted in 2001. I have determined that the Proposed Action is not a major federal action, and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, the preparation of an environmental impact statement (EIS) will not be prepared.

CONTEXT AND INTENSITY

This finding and conclusion is based on the consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the *context* and the *intensity* of impacts described in the EA or as articulated in the letters of comment.

Context: The Proposed Action Alternative is a site-specific action located on public lands administered by the BLM CCDO in Mineral County, Nevada, which by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is based on the relevant factors that should be considered in evaluating intensity as described in 40 CFR 1508.27:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency as described believes that on balance the affect will be beneficial.

I have determined that none of the direct, indirect or cumulative impacts associated with the Proposed Action Alternative are significant, individually or combined. The EA evaluated both beneficial and adverse impacts of the gathers and vaccination of mares with the 2 year fertility control vaccine PZP-22 prior to releasing all mares (estimated 25–33) back into the HMA. Potential impacts include injuries to wild horses from capture, processing, transfer and holding; and affects to the populations through changes in herd population dynamics, age structure or sex ratio and subsequently to the growth rates and population size over time. Other short term impacts include disturbance (within gather sites) to vegetation, noxious weeds, invasive weeds, livestock grazing, general wildlife, migratory birds, BLM designated sensitive species, human health and safety (EA sections 4.0 - 5.0).

The Proposed Action Alternative to gather approximately 209 wild horses, 66 wild burros, removing approximately 157 excess wild horses, 66 excess wild burros, and releasing 52 wild horses back into the Garfield HMA after treating/retreating an estimated 26-33 mares with the fertility control vaccine (PZP-22) and adjusting the sex ratio to favor males would be consistent with the CRMP, facilitate the AML management objectives and maintain a thriving natural ecological balance and multiple use relationship consistent with other resource needs. The probability of long-term infertility using PZP-22 is very low, and many mares retreated even after 3 years will return to normal fertility after the second treatment wears off (Turner, pers. comm.). After the contraceptive wears off, the population will increase at or slightly above the normal growth rate for the HMAs

Implementation of the Proposed Action is expected to be beneficial for wild horse health, vegetative resources, riparian zones, wildlife habitat, livestock grazing, soils and watersheds. The action results in fewer wild horses being placed in short/long term holding facilities and the adoption sale pipeline.

The BLM Contracting Officer Representative (COR) and Project Inspector (PI) assigned to the gather will be responsible for ensuring contract personnel abide by the contract specifications and the Standard Operating Procedures (SOPs) (EA Appendix B). Ongoing monitoring for forage condition and utilization, water availability, aerial population surveys, and animal health will continue. Fertility control monitoring will be continued in accordance with the SOPs (EA

Appendix A). Public Health and Safety monitoring will be conducted in accordance with the Wild Horse Gather Public Observation Protocol (EA Appendix G) and BLM IM No. 2010-164.

2. The degree to which the proposed action affects public health or safety.

The Standard Operating Procedures for Population-level Fertility Control Treatments (EA Appendix A), Standard Gather Operating Procedures (EA, Appendix B), Wild Horse Gather Public Observation Protocol (EA, Appendix G) and BLM IM No. 2010-164 would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses. The Proposed Action Alternative could have a minor effect on public health or safety during helicopter operations and around holding corrals. In accordance with IM No. 2010-164, the public will not be permitted to enter corrals or pens or be in direct contact with the animals. The Proposed Action Alternative would have minimal affect to public health or safety.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The BLM Interdisciplinary Team (ID) identified the following Supplemental Authorities as being not present and present/not affected: Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Environmental Justice, Farm Lands Prime or Unique, Forests and Rangelands, Floodplains, Native American Religious Concerns, Threatened and Endangered Species (plant and animal), Wastes Hazardous or Solid, Water Quality, Wild and Scenic Rivers and Wilderness. The ID team identified the following Supplemental Authorities as being present/may be affected: Invasive, Nonnative and Noxious Species, Migratory Birds, Human Health/Safety, and Wetlands/Riparian Zones. Resources other than Supplemental Authorities identified as being present/may be affected include: BLM Designated Sensitive Species, General Wildlife, Vegetative Resources, Wild Horses, Livestock Grazing and Soils/Watersheds. The Supplemental Authorities and Resources other than Supplemental Authorities that may be present and may be affected were evaluated in DOI-BLM-NV-C010-20111-0529-EA.

A review of previous cultural inventories was conducted for the holding and trap sites as identified for the Garfield Flat and Marietta HMA gathers. The locations are within previous inventoried locations or areas of existing disturbance. In the event that any location is relocated a member of the BLM cultural staff will inventory the potential site, if cultural resources are identified this site will be dismissed from consideration and an additional site will be proposed until a suitable site is found that will not impact cultural resources.

The Walker River Paiute Tribe was notified of the Garfield Flat and Marietta HMA gathers and no concerns were identified by the Tribe.

Trap sites and holding facilities will not be allowed within a Wilderness Study Area (WSA). Motorized vehicles are restricted to authorized designated (cherry stemmed) roads within the WSAs.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects of the gathers are well known and understood. BLM CCDO has conducted numerous wild horse gathers over the past 36 years. No unresolved issues have been identified following public notification of the proposed action. This is demonstrated through the effects analysis in the EA.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The analysis provided in the EA does not indicate that this action would involve any unique or unknown risks. Relevant components of the human environment which would be either affected or potentially affected by the Proposed Action Alternative and other alternatives were addressed through the affects analyzed in this EA. The only updates required to the Supplemental Authorities of the human environment were for the wildlife and migratory bird sections. The effects of wild horse gathers have resulted in fairly consistent (beneficial) outcome to wild horses and to biological and cultural resources.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Over the next 10-20 year period, reasonably foreseeable future actions include gathers about every two- three years to revaccinate the mares and remove a few excess wild horses and burros (burro removals would likely occur every 3 to 5 years) in order to manage population size within the established AML range. The Herd Management Area Plan (HMAPs) which have been completed for the two HMAs to establish short and long-term management and monitoring objectives for the herd and its habitat will be evaluated. Any future wild horse or burro management would be analyzed in appropriate environmental documents following site-specific planning with public involvement. The Proposed Action Alternative does not set a precedent for future actions. The BLM intends to continue with this treatment protocol over the next 10 years by returning to the Garfield Flat HMA every 2-3 years to continue the population growth control protocols of treating and/or re-treating mares with fertility control and maintaining AML using limited removals. The probability of long-term infertility using PZP-22 is very low, and many mares retreated even after 3 years will return to normal fertility after the second treatment wears off (Turner, pers. comm.). After the contraceptive wears off, the population will increase at or slightly above the normal growth rate for the HMAs.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Proposed Action Alternative would achieve a stable wild horse population, reduce population growth rates, reduce competition for limited forage and water resources, and promote healthier wild horses and rangelands. Over the short and long term consistently managing wild horses within the established AML range will achieve a thriving natural ecological balance and multiple use relationship on the public lands in the area. The Proposed Action Alternative is not related to other actions with individually insignificant but cumulative impacts.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.


The Proposed Action Alternative has no potential to adversely affect significant scientific, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

There are no greater sage grouse population management units (PMU) in the Garfield Flat and Marietta HMAs. The Proposed Action Alternative will improve the native habitat within the project area, as it will reduce utilization and trampling of riparian/wetland areas, and will improve the condition of native perennial vegetative communities. The Proposed Action Alternative will have no affect to any federally listed species under the ESA.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The Proposed Action Alternative is in compliance with the CRMP. The Proposed Action is consistent with Statutes, regulations and policies of neighboring local, county, State, Tribal governments and other federal agencies. The Proposed Action Alternative is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended) and applicable regulations at 43 CFR § 4700. The Proposed Action Alternative does not violate or threaten to violate any federal, State, or local law or requirement imposed for the protection of the environment.


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Date